



# CITY OF MEMPHIS

## COUNCIL AGENDA

July 1, 2014

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**AMENDED AGENDA**  
**JULY 1, 2014**  
**SEE ITEMS 19, 20, 21 & 22**

*Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.*

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (June 17, 2014)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS** (None)

**PUBLIC HEARING**

1. RESOLUTION approving a special use permit located on the north side of State Line Road; +/-300' east of Bridge Mill Lane, containing 4.41 acres in the Residential Single Family – 10 (R-10) District.

Collins

Case No. SUP 14-203cc

Applicant: TV6W, LLC Towers Ventures  
Lou Katzerman – Representative

Request: CMCS Tower – 150' tall

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**103 NOTICES WERE MAILED ON JUNE 20, 2014**

**DIVISION OF PLANNING AND DEVELOPMENT**

2. RESOLUTION approving a planned development located on the west side of Forest Hill-Irene Road; +/-1,846.75 feet south of Winchester Road, containing 7.70 acres in the Conservation Agriculture (CA) District.

Collins

Case No. PD 14-306cc

Applicant: Dan Walker Associates, Inc.  
Bray-Davis Firm, LLC, David Bray – Representative

Request: Planned development to allow General Office (OG) District land uses, including funeral services, hotel, animal hospital, indoor multi-story self-storage and contractor's storage with the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

3. RESOLUTION approving a planned development located on the east side of Elvis Presley Boulevard; +/-200 feet south of Old Hickory Road, containing 23.57 acres in the Residential Urban (RU-3) and Commercial Mixed Use (CMU-3) Districts.

Collins

Case No. PD 14-309

Applicant: Elvis Presley Enterprises, Inc.  
Farris-Bobango-Branan, PLC – Representative

Request: Planned development to allow a full-service 450 room hotel building

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

4. RESOLUTION approving a planned development located on the east side of Whitten Road at Captain's Rite Cove, containing 2.494 acres in an area currently by the Whitten Road Commercial Planned Development – P.D. 09-325.

Collins

Case No. PD 14-311

Applicant: Ross Hamilton

Request: Amendment to Whitten Road Commercial PD to allow outdoor storage on lot 2

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

5. RESOLUTION approving a street/alley closure located between Watkins and Cleveland south of Madison Avenue, containing 2,823 square feet in the Commercial Mixed Use-3 (CMU-3) District.

Collins

Case No. SAC 14-603

Applicant: American Red Cross  
The Bray-Davis Firm – Representative

Request: Close and vacate a portion of unnamed alley right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

**ZONING ORDINANCE – THIRD AND FINAL READING** (None)



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## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING (None)

### GENERAL ORDINANCE - SECOND READING

6. **ORDINANCE** to amend Chapter 21 – Motor Vehicles and Traffic – Article III Operation of Motor Vehicles Generally, Section 21-123, Procedure upon approach of authorized Emergency Vehicle to mirror the updated Tenn. Code Ann §55-8-132, Operation of Vehicles and Streetcars on approach of authorized Emergency Vehicles to clarify that extra caution around Solid Waste Vehicles is included within the requirements, up for S E C O N D reading.

Ford

Ordinance No. 5555

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING

7. **ORDINANCE** rezoning the west side of Ayers Street; +/-278.93 feet north of Poplar Avenue, containing 0.44 acre (19,192 sq. ft.) in the Residential Urban (RU-3) District, up for S E C O N D reading.

Collins

Case No. Z 14-101

Companion Case SAC 14-602

Ordinance No. 5556

Applicant(s): Methodist LeBonheur Healthcare  
Allen & Hoshall, Inc. - Representative

Request: Campus Master Plan (CMP-1) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

### ENGINEERING (None)

**NOTATIONS FROM OPD**

8. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. SAC 14-602 (Companion Case Z 14-101) – Exchange Alley

Located on the west side of Ayers Street; +/-280 feet north of Poplar Avenue, containing 0.15 acre in the Campus Master Plan (CMP-1) & Residential Urban (RU-3) Districts

Applicant: Methodist LeBonheur Healthcare  
Allen & Hoshall, Inc. – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with seven (7) conditions

B. Case No. SUP 14-213

Located on the north side of Mullins Station Road; +/-410 feet southeast of Palace View Lane, containing 18.45 acres in vacant land currently governed by Westchester Square Planned Development (P.D. 93-335)

Applicant: TV6-W, LLC  
Tower Ventures, LLC – Representative

Request: Special use permit to allow a CMCS communications tower one-hundred fifty (150) feet in height of mono-pine tree design with capacity to accommodate five (5) antennae, including one (1) microwave dish antenna

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: July 15, 2014**



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## MLGW FISCAL CONSENT

9. RESOLUTION approving Change No. 4 to Contract No. 11399, Right of Way Mowing, with Rotolo Consultants, Incorporated, in the funded amount of \$236,256.00. (This change renews the current contract for the fourth and final renewal term covering the period August 9, 2014 through August 8, 2015 with no increase in rates from the previous year.)
10. RESOLUTION awarding Contract No. 11624, Natural Gas Management System with Pioneer Solutions Global, LLC in the funded amount of \$1,069,200.00.
11. RESOLUTION approving payment of an invoice from Platts for annual subscription services funded in the amount of \$33,329.99.
12. RESOLUTION approving Change No. 10 to Contract No. 10336, EMS/SCADA System with General Electric Energy Management Services, through the current term covering the period January 1, 2009 through December 31, 2015, in the funded amount of \$350,000.00. (This change is to increase the current contract value in the funded amount of \$350,000.00 through the current term, which ends December 31, 2015. This change is needed to replenish funds used to purchase hardware and software to comply with NERC requirements and to accommodate Department of Energy (DOE) Smart Grid upgrades. The cost for these items were not accounted for during scheduled 2012 maintenance upgrades, but were included in the scope of the contract.)
13. RESOLUTION awarding Contract No. 11633, Local Dial Tone Services with Windstream in the funded amount of \$324,000.00.
14. RESOLUTION awarding Contract No. 11729, Professional Engineering Services with Mid-South Engineering Consultants, LLC with approved rates, in the funded amount, not-to-exceed \$300,000.00.
15. RESOLUTION awarding Contract No. 11731, Professional Engineering Services with Fisher & Arnold, with approved rates in the funded amount, not-to-exceed \$400,000.00.
16. RESOLUTION awarding a contract to Mehta Tech for digital fault recorders upgrade in the amount of \$79,500.00.

17. RESOLUTION approving a contract with GDS Associates, Inc. for Professional Consulting Services to assist MLGW with on-going support for its Internal Compliance Program, technical studies, evaluations, readiness assessment, and other NERC Reliability Standards compliance processes associated with its registration as a distribution provider, transmission planner, transmission owner, and transmission operator, in an amount not to exceed \$560,000.00.
18. RESOLUTION awarding a contract to CGS, Inc. for gas service risers in the amount of \$71,610.00.



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## REGULAR AGENDA

### GENERAL ORDINANCES – THIRD AND FINAL READING

19. **ORDINANCE** establishing a Residential Parking Permit Pilot Program near Overton Square for a one year period, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5550

ACTION REQUESTED: **Hold until July 15, 2014**

20. **ORDINANCE** to amend Chapter 25, Code of Ordinance, City of Memphis, so as to limit participation in the Pension System to participants with 10 or more years of service and create a separate account (Equal to their Employee Contributions plus the Multiple earned as of June 30, 2015) for participants with less than 10 years of service, up for T H I R D and F I N A L reading.

Harris

Ordinance No. 5552

ACTION REQUESTED: **Hold until July 15, 2014**

21. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase the City contribution allowable under Section 25-71 and Section 25-171, so as to transfer transferred participants in the Pension System to the Defined Contribution Plan, up for T H I R D and F I N A L reading.

Harris

Ordinance No. 5553

ACTION REQUESTED: **Hold until July 15, 2014**

22. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to adopt a Defined Contribution Plan, up for T H I R D and F I N A L reading.

Harris

Ordinance No. 5554

ACTION REQUESTED: **Hold until July 15, 2014**



**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION** (None)

**DIVISION OF FIRE SERVICES**

23. RESOLUTION accepting and appropriating \$852,600.00 in State In-Service Training funds from the State of Tennessee.

Conrad

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

24. RESOLUTION appropriating revenue and expenditures for the Neighborhood Stabilization Program funds in the amount of \$414,961.00.

Brown

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION amending the FY2014 Budget, by appropriating funds in the amount of \$483,614.21 to the MHA Low Income Housing Program account.

Brown

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (None)

**INFORMATION SERVICES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**DIVISION OF PARK SERVICES**

26. RESOLUTION accepting the 2014 Playful City USA Designation and two (2) Playful City USA highway road signs from KaBoom!, a national non-profit dedicated to saving play for America's children and sponsored by the Humana Foundation.

Boyd

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

27. RESOLUTION amending the FY2014 Capital Improvement Budget by transferring a construction allocation and appropriating funds in the amount of \$14,279,100.00 funded by Capital Pay Go-Sewer in Rehab Existing Sewers, Project Number SW02001 to Concrete Replacement 2014, Project Number SW02124 for the replacement of the raw sewage header in the influent pump station building at the MC Stiles Wastewater Treatment Facility.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**